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**Attorneys for Plaintiff Entropic  
Communications, LLC**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ENTROPIC COMMUNICATIONS,  
LLC,

Plaintiff,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No.: 2:23-cv-01049-JWH-KES  
(Lead Case)

Case No.: 2:23-cv-01050-JWH-KES  
(Related Case)

*[Assigned to the Honorable John W.  
Holcomb]*

ENTROPIC COMMUNICATIONS, LLC,

Plaintiff,

v.

COMCAST CORPORATION, *et al.*,

Defendants.

**DECLARATION OF SAMUEL  
P. RICHEY IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
LEAVE TO AMEND AND  
SUPPLEMENT COMPLAINT,  
AND AMEND INFRINGEMENT  
CONTENTIONS**

Hearing Date: December 15, 2023  
Hearing Time: 9:00 a.m.  
Courtroom: 9D

**DECLARATION OF SAMUEL P. RICHEY**

**DECLARATION OF SAMUEL P. RICHEY**

I, Samuel P. Richey, declare as follows:

1. I am an attorney duly licensed to practice law in the State of California and I am a partner at the law firm of K&L Gates LLP. I am one of the attorneys on the K&L Gates team representing Plaintiff Entropic Communications, LLC (“Plaintiff” or “Entropic”) in the above-entitled action. This declaration is based on personal knowledge of the matters set forth in this declaration and based on documents on file with the Court and maintained as part of the Firm’s client files in this action. If called upon to testify regarding these matters, I could and would do so competently.

2. U.S. Patent No. 9,866,438 (the “’438 Patent”) generally describes a mechanism for determining communication parameters for communications between a cable modem termination system and cable modems. This patent is in the same patent family as U.S. Patent No. 10,135,682 (the “’682 Patent”). Attached hereto as **Exhibit A** is a true and correct copy of the ’438 Patent.

3. As Entropic began investigating Comcast’s infringement of the Patents-in-Suit, Entropic discovered that Comcast was also infringing the ’438 Patent.

4. Specifically, Entropic first learned that it had a basis to assert the ’438 Patent on September 11, 2023, when it discovered that public documents believed to describe the operation of Comcast’s cable modem termination system specifically described how Comcast’s cable modem termination system determines a plurality of SNR-related metrics for each of its cable modems.

5. U.S. Patent No. 11,785,275 (the “’275 Patent”) generally describes systems and methods that digitize and select a plurality of desired channels located in non-contiguous portions of an input signal and provide the desired channels for processing. The ’275 Patent is a family member of the ’866 Patent and the ’206 Patent. Attached hereto as **Exhibit B** is a true and correct copy of the ’275 Patent.

1           6.     The application for the '275 Patent was filed on September 30, 2022. A  
2 Notice of Allowance was issued for the '275 Patent on August 28, 2023 and the issue  
3 fee payment was made on September 5, 2023.

4           7.     Once Entropic discovered a basis for asserting the '438 Patent, it  
5 decided to wait until the '275 Patent issued so that it could request leave to assert  
6 both patents in a single motion.

7           8.     Entropic knew that the '275 Patent would issue shortly, and it did not  
8 want to cause the parties to have to submit two sets of briefing that the court would  
9 then have to review on nearly identical issues. Given the early stage of the case,  
10 Entropic concluded that no parties would be prejudiced—and would indeed benefit—  
11 from this approach.

12          9.     The '275 Patent issued on October 10, 2023.

13          10.    Following the issuance of the '275 Patent, Entropic promptly  
14 investigated Comcast's infringement and notified Comcast that it would seek leave  
15 to assert the '275 Patent on October 29, 2023. The parties met and conferred on  
16 November 1, 2023. Comcast did not have any issue with Entropic's proposed  
17 amendment. However, it stated that it would only agree to the amendment if Entropic  
18 also amended its complaint to add allegations about a separate issue—namely,  
19 allegations about Comcast's willful infringement of the Asserted Patents.

20          11.    Entropic stated that it did not believe amendment on this subject was  
21 necessary given that the Court has not yet issued a ruling on Comcast's motion to  
22 dismiss. Comcast stated that, since Entropic would not agree to amend for both  
23 purposes, it would oppose Entropic's instant Motion. Attached hereto as **Exhibit C**  
24 is a true and correct copy of the parties' email correspondence.

25          12.    Entropic served Comcast with infringement contention claim charts for  
26 the '438 Patent and the '275 Patent on November 3, 2023.

27          13.    A true and correct copy of the Proposed Amended Complaint is attached  
28 hereto as **Exhibit D**.

1           14. A true and correct copy of Exhibit 1 to the Proposed Amended  
2 Complaint is attached hereto as **Exhibit E.**

3           15. A true and correct copy of Exhibit 2 to the Proposed Amended  
4 Complaint is attached hereto as **Exhibit F.**

5           16. A true and correct copy of Exhibit 3 to the Proposed Amended  
6 Complaint is attached hereto as **Exhibit G.**

7           17. A true and correct copy of Exhibit 4 to the Proposed Amended  
8 Complaint is attached hereto as **Exhibit H.**

9           18. A true and correct copy of Exhibit 5 to the Proposed Amended  
10 Complaint is attached hereto as **Exhibit I.**

11           19. A true and correct copy of Exhibit 6 to the Proposed Amended  
12 Complaint is attached hereto as **Exhibit J.**

13           20. A true and correct copy of Exhibit 7 to the Proposed Amended  
14 Complaint is attached hereto as **Exhibit K.**

15           21. A true and correct copy of Exhibit 8 to the Proposed Amended  
16 Complaint is attached hereto as **Exhibit L.**

17           22. A true and correct copy of Exhibit 9 to the Proposed Amended  
18 Complaint is attached hereto as **Exhibit M.**

19           23. A true and correct copy of Exhibit 10 to the Proposed Amended  
20 Complaint is attached hereto as **Exhibit N.**

21           24. A true and correct copy of Exhibit 11 to the Proposed Amended  
22 Complaint is attached hereto as **Exhibit O.**

23           25. A true and correct copy of Exhibit 12 to the Proposed Amended  
24 Complaint is attached hereto as **Exhibit P.**

25           26. A true and correct copy of Exhibit 13 to the Proposed Amended  
26 Complaint is attached hereto as **Exhibit Q.**

27           27. A true and correct copy of Exhibit 14 to the Proposed Amended  
28 Complaint is attached hereto as **Exhibit R.**

